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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,736	03/25/2004	Steven A. Treichel	OME-0018	9692

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,736	<b>Applicant(s)</b> TREICHEL, STEVEN A.	
	<b>Examiner</b> Aaron M Dunwoody	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Information Disclosure Statement***

No Information Disclosure Statement submitted.

***Drawings***

The drawings are objected to because the extraneous leader lines should be removed from Figure 3; the crosshatch is missing or improper for Figures 2 and 4; cross-section line 2-2 is missing; page 3 recites "a seal 32 (e.g., an o-ring), however, the Examiner is unable to see this feature in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: cross-section line A-A. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the jacket being perforated, and a sensor monitoring fluid from the vent opening must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3506039, Marriott.

In regards to claim 1, Marriott discloses a piping system comprising:

a fluid impermeable sleeve (26, 51) having a plurality of longitudinal, spaced ribs (31, 53) formed on an interior surface of the sleeve;

fluid carrying tubing (28, 52) positioned internal to the sleeve;

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a coupling (35) having a first end and a second end, the first end having interior threads engaging an outer surface of the sleeve;

the coupling having a vent opening (41) in fluid communication with the interior of the sleeve.

In regards to claim 5, Marroitt discloses the coupling having a higher durometer than the sleeve (implied).

In regards to claim 14, Marroitt discloses the ribs having a triangular cross section.

In regards to claim 15, Marroitt discloses a hose (42) connected to the vent opening.

Claims 1-5, 8, 9, 12, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5713607, Webb.

In regards to claim 1, Webb discloses a piping system comprising:  
a fluid impermeable sleeve having a plurality of longitudinal, spaced ribs ( $S_i$ ) formed on an interior surface of the sleeve;  
fluid carrying tubing ( $P_i$ ) positioned internal to the sleeve;  
a coupling (C, N) having a first end and a second end, the first end having interior threads engaging an outer surface of the sleeve;  
the coupling having a vent opening (62) in fluid communication with the interior of the sleeve.

In regards to claim 2, Webb discloses the sleeve being a polymer.

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In regards to claim 3, Webb discloses the coupling being a polymer.

In regards to claim 4, Webb discloses the second end having a shoulder to form a stop against the sleeve (radial shoulder).

In regards to claim 5, Webb discloses the coupling having a higher durometer than the sleeve.

In regards to claim 8, Webb discloses a fitting (F) secured to the tubing and the coupling.

In regards to claim 9, Webb discloses the fitting having a threaded extension and engages an interior surface of the coupling at the second end.

In regards to claim 12, Webb discloses the tubing have a jacket.

In regards to claim 13, Webb discloses the jacket being perforated.

In regards to claim 16, Webb discloses a sensor monitoring fluid from the vent opening.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marroitt.

In regards to claims 2 and 3, Marroitt discloses the claimed invention except for the sleeve being a polymer and the coupling being a polymer. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to fabricate the sleeve with a polymer and the coupling with a polymer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb.

In regards to claim 10, Webb discloses the claimed invention except for the fitting being made of metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the fitting of metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

In regards to claim 14, Webb discloses the claimed invention except for the ribs having a triangular cross section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the ribs with a triangular cross section, since a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).



Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of US patent 5456502, Sharp.

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In regards to claims 6 and 9, Webb discloses the claimed invention except for an o-ring on an interior of the sleeve proximate the first end. Sharp teaches an o-ring (50) on an interior of the sleeve proximate the first end to seal the inner pipeline (col. 8, lines 23-27). As Sharp relates to fittings for use on pipeline systems for conveying liquids, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an o-ring on an interior of the sleeve proximate the first end to seal the inner pipeline, as taught by Sharp.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of US patent 6173995, Mau.

In regards to claim 7, Webb discloses the claimed invention except for the tubing being corrugated stainless steel tubing. Mau teaches a tubing being corrugated stainless steel tubing to accommodate a wide variety of corrosive or aggressive fluids (col. 3, lines 32-41). As Mau relates to fittings for semi-flexible pipes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a corrugated stainless steel tubing to accommodate a wide variety of corrosive or aggressive fluids, as taught by Mau.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Aaron M Dunwoody  
Examiner  
Art Unit 3679

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